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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,188	09/11/2003	David E. Mayhew	101340-334-NP	5820
Robert Frame Nields & Lemack 176 E. Main Street Suite 7 Westboro, MA 01581				
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EXAMINER				
FOUD, HICHAH B				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,188

Applicant(s)

MAYHEW ET AL

Examiner

HICHAM B. FOUD

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 13-19 and 24 is/are rejected.
- 7) ☒ Claim(s) 20-23 and 25-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 02-08-2008 has been entered and considered.

Claims 1, 2, 4 and 13-26 are pending in this application.

Claims 3 and 5-12 have been canceled.

Claims, 20-23 and 25-26 are objected.

Claims 1, 2, 4, 13-19 and 24 remain rejected as discussed below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 13, 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 2 line 5, the term "said first port" has no antecedent basis. Similar problem occurs in claim 14 line 7, for the term "the appropriate port".

For claims 13 and 15-17 are rejected because of their dependency on the rejected claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Droz et al (US2002/0136202) hereinafter is referred to as Droz.

For claims 1, 14 and 18, Droz discloses a method of routing a packet from a source to a destination within a fabric having at least one switch, said switch having a plurality of ports (see Figure 2; element 210; router and 214 input/output ports), said method comprising: encapsulating said packet with a header, wherein said header comprising packet field data (see Figure 2; element 212; wherein 216 is header and 218 is data); transmitting said encapsulated packet from said source to said switch (see Figure 2 element 212); receiving said encapsulated packet by said switch on a first of said ports (see Figure 2; LC 22); determining an appropriate output port using only said packet field data and the number of said ports (see [0047] lines 5-10); and transmitting said encapsulated packet from said switch via said appropriate output port (see [0047] lines 14-17).

For claims 17 and 19, Droz discloses a method wherein further comprising modifying said packet field data prior to transmitting via said appropriate output port (see [0047] lines 8-10; So, in replying to the source, the new header will exchange the fields, meaning that the new header will have the address of the destination as the source and the source address as the destination).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Droz.

For claim 4, Droz discloses all the subject matter with exception wherein the packet field data comprises a credit length, a bit count, a turn pool, an operation, a PID index, an MTU, an EUI and other claimed field data. However, it is obvious to include or add any field data to the packet data field especially that the packet data field contains reserved bits that are not used and left for the purpose of adding any needed data field that allows adding new features to the packet. Thus, it would have been obvious to the one skill in the art at the time of the invention to add new features to the packet by using those reserved bits that are left empty such as CRC bit for the purpose of adding new functions to the packet such as the error detection and having an efficient system.

For claim 24, Droz discloses all the subject matter with the exception of explicitly disclosing a plurality of switches, further comprises repeating said receiving, determining and transmitting steps until said packet reaches said destination. However, it would have been obvious to the one skill in the art at the time of the invention to concatenate as many switches as needed that perform same function as the one taught by the invention of Droz that will repeat the same functions until the packet reaches the destination for the purpose of having a big network that covers long distance.

Allowable Subject Matter

5. Claims 2, 13 and 15-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
6. Claims 20-23 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 09/12/2007 fully considered but they are not persuasive.
8. In page 10 of the Remarks, the Applicant argued that the reference uses a routing table to process the header and that is different than the applicant's way of processing the header. However, the examiner disagrees with the applicant for the reason that the process of the header to identify the appropriate output port is irrelevant because the independent claims do not specify how the packet field is being processed and they only recite the use of the information in the packet field. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, it is clear from the reference (Droz) [0047] that the header contains piece of information that identifies the appropriate output port.

Conclusion

9. Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hicham B. Foud whose telephone number is 571-270-1463. The examiner can normally be reached on Monday - Thursday 10-3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hicham B Foud/
Examiner, Art Unit 2619

Hicham Foud
02/26/2008

/CHAU T. NGUYEN/
Supervisory Patent Examiner, Art Unit 2619

